

Application No.: 10/830,042

Docket No.: 22216-00003-US1

REMARKS

This supplemental amendment is submitted in accordance with 37 CFR 1.111(a)(2)(C) as presenting arguments limited to amendments that would place the application in condition for allowance. Claims 7, 8 and 14 have been amended, claims 10 and 19 have been canceled and claim 1-6, 11-13 and 20-23 have been withdrawn by way of the present amendment. Reconsideration is respectfully requested.

In the outstanding Office Action, the title of the invention was indicated as not being descriptive; the specification was objected to due to including a copyright notice that did not comply with 37 CFR Section 1.71(d) and 1.71(e); claims 7-10, 14-16 and 19 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 18-20, 23 and 24 of copending US Patent Application No. 11/111,757; claims 7, 10 and 19 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 12 and 18 of copending U.S. Patent application No. 11/111,781; claims 7, 10, 14-16 and 19 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 18-20, 23 and 24 of copending U.S. Patent application No. 11/259,634; claims 7-10, 14-16 and 19 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 101-103, 106 and 107 of copending U.S. Patent application No. 11/259,885; claims 10 and 19 were rejected under 35 U.S.C. Section 112, 2nd paragraph, as being indefinite; claims 8 and 9 were rejected under 35 U.S.C. Section 112, 2nd paragraph, due to being indefinite; claims 7 and 8 were rejected under 35 U.S.C. Section 102(e) as being anticipated by US Patent No. 6,769,903 (Morshed et al.); claims 10, 14, 15 and 19 were rejected under 35 U.S.C. Section 102(b) as being anticipated by US Patent No. 5,802,585 (Scales et al.); claim 9 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Morshed et al. in view of Scales et al.; claim 16 was rejected under 35 U.S.C. Section 103(a) as being unpatentable over Scales et al., as applied to claim 14 above and further in view of Morshed et al.; and claims 17 and 18 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Scales et al., as

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applied to claim 14 above, and further in view of US Patent Application Publication US 2004/0163077 Dimpsey et al.

35 USC Section 102 Rejections

Claims 7 and 8 were rejected under 35 U.S.C. Section 102(e) as being anticipated Morshed et al. Applicant respectfully traverses the rejection.

Claim 7 has been amended to clarify the invention. In particular, claim 7 has been amended to recite:

written to operate only on a single computer onto each of a plurality of computers interconnectable via a communications link, and different portions of said application program being substantially simultaneously executable on each one of said plurality of computers with each one of the plurality of computers having an independent local memory accessible only by the corresponding portion of the application program.

Support for the amendment is provided at least at page 5, line 29 to 33 and shown at least in FIG. 5 and FIG. 8 of the specification as shown below.

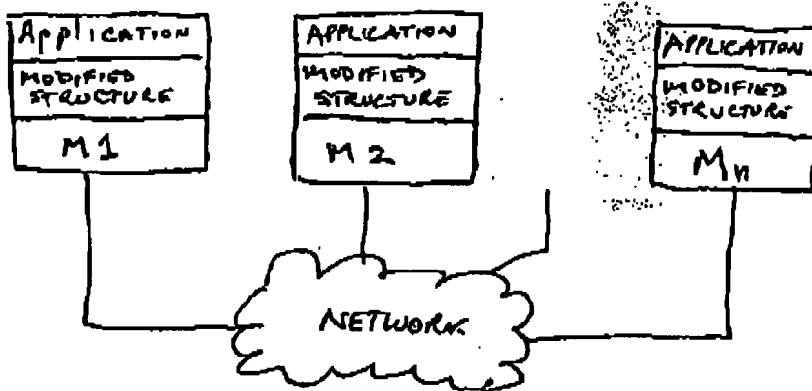
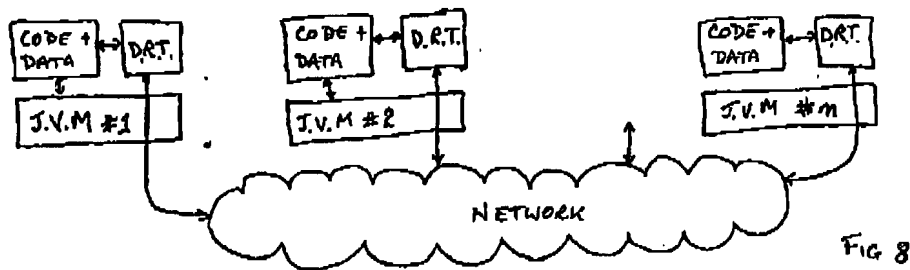


FIG. 5

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In particular, as shown in FIG. 5 and FIG. 8 above, "each of the machines operates with the same code and data on each machine and thus all of the machines have the same code and data, as cited at page 5, line 29 to 33. In addition, the code stored on each machine (i.e., JVM#1, JVM#2, etc.) has been modified by the same rules (or substantially the same rules since minor optimising changes are permitted). Therefore, the amendment raises no question of new matter.

As discussed in the previous response, Morshed et al. discloses a coordinated application monitoring in a *distributed computing environment* (emphasis added).¹ However, Morshed et al. nowhere discloses as amended claims 7 and 14 recite:

loading an application program written to operate only on a single computer onto each of a plurality of computers interconnectable via a communications link, and different portions of said application program being substantially simultaneously executable on each one of said plurality of computers with each one of the plurality of computers having an independent local memory accessible only by the corresponding portion of the application program. (emphasis added).

That is, in contrast to the claims 7 and claim 14, which recite: "an application program written to operate only on a single computer," Morshed et al. discloses a "distributed application."

¹ Morshed et al. at Title and ABSTRACT.

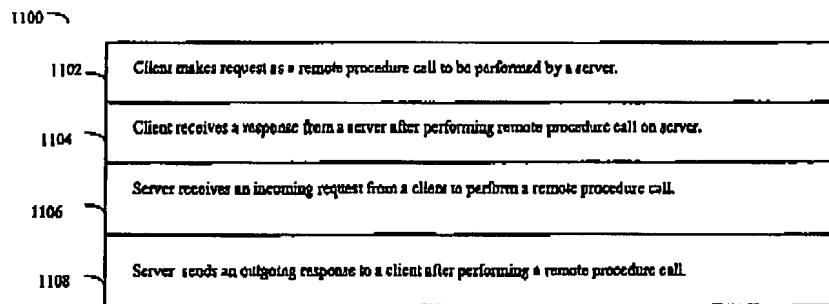
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Moreover, it is respectfully submitted that Morshed et al. is especially written to operate on two or more machines. This concept is illustrated at FIG. 30, as shown below, of Morshed et al. is illustrated and disclosed when Morshed et al. describes: "a distributed software application that executes in the system 1000 may include a portion of the software 1020 and also a portion of the software 1022 collectively with interprocess communication mechanism 1024".²

Furthermore, FIG. 37 of Morshed et al., as shown below indicates communication by remote procedure calls between the client 1020 and server 1022 of FIG. 30 during the application program. That is, at least two computers are involved in executing the application program in Morshed et al. Further, FIG. 36 shows a case where two or more computers (i.e., 1020d, 1022d and 1022e) are involved in executing the application program.

FIG. 37 of Morshed et al.



² *Id.* at FIG. 30, column 33, lines 46-55.

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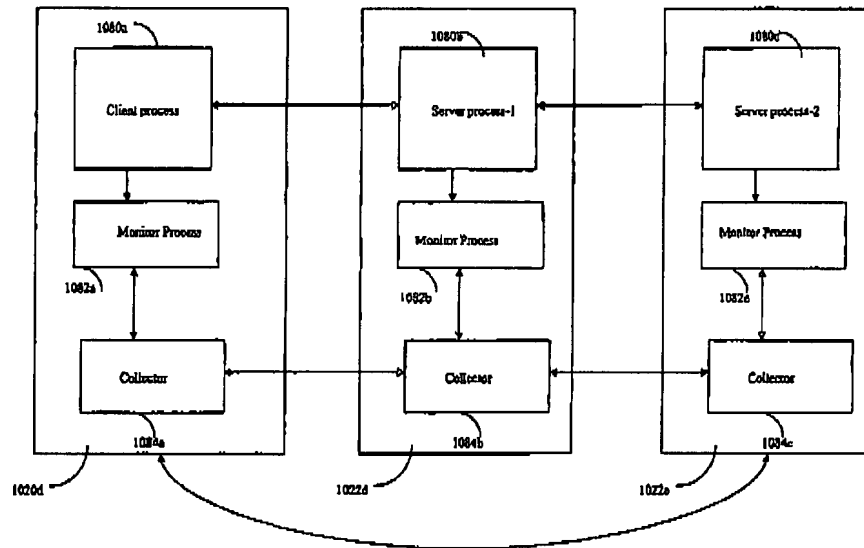


FIGURE 36

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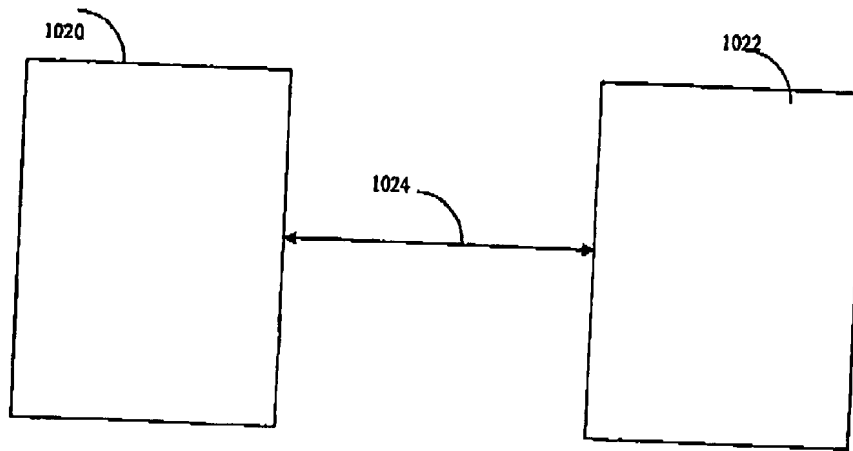


FIGURE 30

That is, Morshed et al. operates in a way that is in contrast to the cited limitations of the claimed invention of being: "written to operate only on a single computer."

Furthermore, due to the execution of the application being carried out by the second machine 1022 on behalf of the first machine 1020, the configuration of FIG. 30 may be likened

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to a master/slave relationship. This is in further contrast to the claimed invention where, as recited in claims 7 and 14, "different portions of the application program being substantially simultaneously executable on different computers." Thus, in consideration of the above discussion, it is respectfully submitted actually teaches away from claims 7 and 14. Therefore, it is respectfully submitted that Morshed et al. does not disclose, anticipate or inherently teach the claimed invention and that claims 7 and 14, and claims dependent thereon, patentably distinguish thereover.

Claims 10, 14, 15 and 19 were rejected under 35 U.S.C. Section 102(b) as being anticipated by US Patent No. 5,802,585 (Scales et al.). Applicant respectfully traverses the rejection.

That is, for the same reasons as discussed above, in contrast to the claimed invention, Scales et al. discloses a distributed application program. More specifically, Scales et al. discloses a "distributed application" written to operate on two or more machines. Therefore, for the same reasons as discussed above for Morshed et al., it is respectfully submitted that Scales et al. does not disclose, anticipate or inherently teach the claimed invention and that claim 14 and claims dependent thereon, patentably distinguish thereover.

35 USC 103 Rejections

The arguments of response submitted on May 25, 2007, in combination with those above, address the rejections of this section.

Conclusion

Based on the above amendments and arguments, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that a telephone interview can further advance the application, please feel free to contact applicant's representative below at 202-572-0332 or at mwyche@cblh.com.

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Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22216-00003-US1 from which the undersigned is authorized to draw.

Dated: August 14, 2007

Respectfully submitted,

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